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July 21, 2020

Representative Hank Vaupel, Chair, *and*
Members of the House Committee on Health Policy

Re: SB 956 and COVID-19 Issues Michigan's Long-Term Care Facilities

Dear Chairman Vaupel and Committee Members,

We are writing on behalf of AARP Michigan to share our concerns regarding the impact of COVID-19 on residents of long-term care facilities in Michigan, and to offer AARP's assistance to the committee in any way we can to help ensure that vulnerable adults in Michigan are kept safe.

AARP is a nonprofit, nonpartisan 501(c)(4) organization that advocates on issues that matter most to people age 50 and over, such as access to health care and long-term services and supports. AARP has nearly 1.4 million members in Michigan. AARP has long fought for the rights of residents in nursing homes and other long-term care facilities, and to ensure their health, safety, quality of care and quality of life.

For residents of long-term care facilities, that facility is their home, and everyone has a right to be safe in their home. As Michigan considers the policy changes needed to better protect people in long-term care facilities, it is important that we consider the health and safety of all of the following groups of people who are impacted, and recognize that keeping each of these categories of people safe requires different considerations:

- Residents who live in a nursing home or other long-term care facility and are *not* COVID-19 positive.
- Residents who live in a long-term care facility and become COVID-19 positive, but are medically stable.
- Residents who normally live in a long-term care facility who are hospitalized for COVID-19 and are later discharged from the hospital after becoming medically stable.
- Staff who work at long-term care facilities.

We appreciate the spirit in which SB 956 was introduced. AARP does not support the use of existing nursing homes as locations to house COVID-19 patients who would not otherwise be nursing home residents. However, the solution to keeping everyone safe is not a single solution, but layers of solutions that require coordination among multiple facilities, care providers and regulators.

First and foremost, AARP urges the Legislature to prioritize the following with regard to Michigan's long-term-care facilities:

- Ensuring that adequate **personal protective equipment (PPE)** is available for staff, visitors and residents, and that staff are trained in its proper use.
- Ensuring that long-term care facilities carry out **comprehensive testing** for staff and residents.
- Ensuring that long-term care facilities carry out appropriate **infection control** measures.

Real Possibilities

- Facilitating **virtual visitation** for residents with family and friends outside of the facility.
- Facilitating access for residents and their family members to advocates from the Michigan Long-Term Care **Ombudsman** program.

Residents of long-term facilities are individuals with personal preferences and families who love them. Nursing home residents have rights that are guaranteed under the federal Nursing Home Reform Act (42 CFR §483) which requires nursing homes to promote and protect the rights of each resident, and which stresses individual dignity as well as safety. Of particular relevance in discussing SB 956, the Nursing Home Reform Act establishes rights for nursing home residents related to discharge and transfer.

Transferring frail older adults is risky in and of itself, and transferring - or even disrupting routines - poses additional challenges for persons living with cognitive impairment who reside in long-term care facilities. If a resident's transfer becomes necessary for reasons of protecting that resident's health and/or the health of others around them, AARP urges the Legislature to ensure that:

- There is sufficient **notice** both to the resident who is to be transferred, and the family of that resident;
- The resident and their family has a **choice of location** to be transferred to; and
- The resident has the right to **appeal** any decision to transfer them.

The tragic loss of life in nursing homes during the COVID-19 pandemic has also highlighted the longstanding need in Michigan to rebalance our state's approach to long-term care. Even before COVID-19 took hold, the overwhelming majority of Michigan residents wanted to be able to *age in place* in their own homes, and hoped to avoid ever living in a nursing home.

AARP has long supported, and continues to support, increased access for older adults to home- and community-based services (HCBS) both via the MI Choice Medicaid Waiver program in the MDHHS Medical Services Administration budget and via non-Medicaid in-home senior services in the Aging and Adult Services Agency budget. Michigan continues to rank well below other states in terms of the proportion of taxpayer dollars our state allocates toward long-term care for older adults in home- and community-based settings compared to how much the state allocates toward long-term care in institutional settings. Looking ahead, efforts to rebalance our state's long-term care system need to be galvanized.

We appreciate the opportunity to share these comments, and we appreciate your focus on these issues which are literally a matter of life and death. If you have any questions or if there is further information we can provide, please feel free to contact our Associate State Director (ASD) for Government Affairs, Melissa Seifert, at 517-267-8934 [or mseifert@aarp.org](mailto:mseifert@aarp.org). Thank you for your consideration.

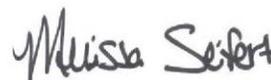
Respectfully,



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